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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1370th MEETING

Held at Headquarters, New York,
on Monday, 13 August 1990, at 3 p.m.

Chairman: Mr. TADESSE (Ethiopia)

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The meeting was called to order at 10.55 a.m.

SPECIAL COMMITTEE DECISION OF 17 AUGUST 1989 CONCERNING PUERTO RICO

(A/AC.109/L.1746)

The CHAIRMAN: I wish to draw members' attention to the report of the Rapporteur contained in document A/AC.109/L.1746.

As members are aware, the Committee has received a number of communications from organizations containing requests that they be heard by the Committee concerning the item. The text of those communications has been made available to members in aide-mémoire 28/90. A number of additional communications containing requests for hearing will be circulated in addendum 1 to aide-mémoire 28/90 in the course of the day. Subject to the concurrence of the members and in order to facilitate our work, I wish to suggest that the Committee, in accordance with established practice, decide to hear them as far as possible in the order of the receipt of the communications.

If I hear no views to the contrary, it will be so decided.

It was so decided.

The CHAIRMAN: As of this meeting, 57 organizations wish to be heard by the Committee. In accordance with established practice, the Committee will hear only one representative from each of the organizations. I would suggest that, whenever possible, organizations sharing similar viewpoints should select one person to speak on their behalf. Due to the large number of requests I would urge speakers to be precise and brief in order to accommodate as many speakers as possible.

At the invitation of the Chairman, Miss Nora L. Rodriguez Matias (Colegio de Abogados de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Miss Nora L. Rodriguez Matias.

Miss RODRIGUEZ MATIAS (interpretation from Spanish): My name is

Nora L. Rodriguez Matias. I am chairman of the Colegio de Abogados de Puerto Rico. I have with me Wilma Reveron Collazo, a lawyer and member of our Committee on the Development of Constitutional Law.

Colegio de Abogados de Puerto Rico has been appearing before this Committee since 1972. We wish to express our thanks to those countries that have supported us in the past, as well as those that have not objected to the various resolutions of this Committee that have asserted the Puerto Rican people's inalienable right to self-determination and independence and have expressed the hope that the people of Puerto Rico may be able freely to exercise its right to self-determination with specific recognition of the sovereignty of the people and its full political equality. We call upon those that might have objected to those resolutions to reconsider the situation in the light of the North American initiative to review its relations with Puerto Rico.

(Ms. Rodriguez Matias)

We should like to emphasize our awareness of the political changes that are taking place in various parts of the world, especially in Central and Eastern Europe and in the Soviet Union. Those changes were fostered to a large extent by many of those who are currently governing those countries. The achievements of those countries demonstrate how peoples can fight to achieve their sovereignty, not undermining in any way but rather strengthening the values of solidarity and mutual respect that must exist between peoples and nations.

We venture to say that those achievements should help prompt all the members of the Committee to give increased support to the solution of the colonial case of Puerto Rico in keeping with the principles of international law and United Nations resolutions on the question of Puerto Rico and by means of rational discussion between Puerto Rico and the United States within the framework of such principles.

There is no incompatibility, nor should there be any, between the changes that have occurred in some of the State members of the Committee and the support they might lend to solving the case of Puerto Rico. On the contrary, since those changes constitute a recognition of the sovereignty of the peoples concerned, of the democratization of their political processes and of respect for different nations and cultures, there is all the more reason to support the Puerto Rican people's claim to put an end to its colonial status. In practice, even if not always in theory, there is no longer any denial of Puerto Rico's colonial status, nor of the fact that power over our country rests with the Congress of the United States in accordance with the territorial clause of the United States Constitution and the provisions of the Treaty of Paris, which were arrived at without Puerto Rico's participation. That reality is recognized by the United States itself.

(Ms. Rodriguez Matias)

I should like to mention the most recent and most relevant events regarding the relationship between the United States and Puerto Rico.

First, in a joint declaration made on 17 January 1989 at the Fortaleza, the office of the Governor of Puerto Rico, the chairmen of the three main political parties of Puerto Rico - Governor Rafael Hernández Colón, representing the Partido Popular Democrático; Mr. Baltasar Corrada del Río, representing the Partido Nuevo Progresista; and Mr. Rubén Berrios Martínez, representing the Partido Independentista Puertorriqueño - stated that a solution to the problem of the political situation of Puerto Rico must be found as soon as possible. To that end, it is essential for the Government of the United States to commit itself to respecting the will of the people of Puerto Rico.

Secondly, in a letter sent on 17 January 1989 to the Government of the United States, the leaders of the three main political parties of Puerto Rico declared that ever since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the people of Puerto Rico has not been formally consulted by the United States of America about its preference as regards its ultimate political status.

Thirdly, the President of the United States, Mr. George Bush, in his State of the Union address to the Congress of the United States on 9 February 1989, made the following references to Puerto Rico:

"There's another issue that I've decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favour statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum".

President George Bush has repeated those same views during the past four months.

(Ms. Rodriguez Matias)

The Congress of the United States, both in the Senate and in the House of Representatives, has begun a process for a referendum to be held in 1991, introducing bills in both bodies and holding public hearings at Washington, D.C. and New York and at San Juan, Ponce and Mayagüez, Puerto Rico.

Senators Bennett Johnston and James McClure, and Representative Ron de Lugo, who headed the relevant committees of the Congress of the United States, have repeatedly stated during public hearings that they recognize the right of Puerto Rico to self-determination.

Irrespective of whether or not anything comes of the congressional process, one issue is quite clear in practice - the recognition of the political subjection of Puerto Rico to the United States and of its dependent and colonial status. That practical recognition can initiate, without any gloating, the vindication of the work of the Committee, which has for many years adopted resolution after resolution in favour of a solution of the case of Puerto Rico.

In view of all of the foregoing, we should like to make the following comments on the referendum proposals being discussed in the Congress of the United States.

We welcome the initiatives taken by the political parties of Puerto Rico on 17 January 1989.

We take note of the initiative of President Bush urging Congress to take the necessary steps to allow the people of Puerto Rico to decide its own political future, and of the readiness of Congress to consider the entire matter, although we strongly object to President Bush's public statement in favour of any specific formula. Given his official position as President of the colonizing country, his opinion in favour of statehood exerts undue influence in the process of approval and voting in a country whose political positions are very much conditioned by 92 years as a colony of the United States, by repression and persecution, by the intensive development of a dependent status and by a large military presence.

(Ms. Rodriguez Matias)

We wish to point out that despite the many statements made by members of Congress and of the executive branch of the United States Government, the referendum proposals presented in the Congress of the United States have not so far met the requirements of the principles of sovereignty that apply in the three formulas, nor the basic norms that must govern any process of decolonization.

We draw attention to the principle of international law concerning who is authorized to vote in a consultation of this kind.

We recall and draw attention to the fact that, although in the past political prisoners have been released in accordance with resolutions adopted and agreed upon earlier by the Committee, today there are still many Puerto Rican prisoners in United States prisons whose persecution is also ultimately based on political reasons.

We urge the Committee to keep the case of Puerto Rico under continued consideration.

Today, more than ever before, the Committee must remain vigilant to ensure that in the case of the relationship between Puerto Rico and the United States, one of the most powerful nations in the world and a permanent member of the Security Council the validity of the principles of the Universal Declaration of Human Rights, the principle of the right of peoples to self-determination and the principle of mutual respect and peace among all peoples is maintained.

(Ms. Rodriguez Matias)

As a professional organization - not a party organization - made up of people of all political trends and advocating various formulas for a solution to the issue of Puerto Rico's political status, we respectfully urge this Committee to reaffirm its determination that the question of the political subjugation of Puerto Rico be resolved. We also respectfully urge the Committee to examine carefully the referendum processes proposed by the United States Government, the statements and proposals of the various political parties, the opinions of various civic and cultural entities and organizations, and public opinion in general, so that compliance with the precepts of free determination subscribed to by the United Nations will be guaranteed.

The Colegio de Abogados once again states that a constituent assembly is the appropriate mechanism to enable the people of Puerto Rico freely to exercise their right to self-determination, with specific recognition of the sovereignty and full political equality of the people.

In the light of the reality of the speedy disappearance of colonialism during this century and the euphoria that it has generated, we are concerned that lately this body seems to be considering the case of Puerto Rico with indifference.

We issue a particular appeal to the United Nations to continue to deal with our situation until the right of the people of Puerto Rico to self-determination is guaranteed.

Ms. Rodriguez Matias withdrew.

At the invitation of the Chairman, Ms. Marie Elaine Aloise de Hernandez (Comité Cagueño Pro-Estadidad) took a place at the Committee table.

The CHAIRMAN: I call on Ms. Aloise de Hernandez.

Ms. ALOISE de HERNANDEZ: My name is Marie Elaine Aloise de Hernandez, and I am here for the second consecutive year to present the views of the Comité Cagueño Pro-Estadidad, of which I am one of the directors.

By profession I am an applied linguist and an authority on ESL (English as a second language) education. In coherence with my career choice last year, I tried to define for this august group the term "colony" and how Puerto Rico in some ways has certain vestiges of colonialism and in other ways does not. Therefore, because of this special situation, and a formal bilateral pact granting commonwealth status to our island, it is evident that your Committee has no jurisdiction concerning our internal relationship and our affairs with the United States and thus should maintain its strict neutrality in regard to our determinations.

This year I am going to attempt to define for you another term that I feel is bandied about indiscriminately, without being defined precisely. That term, which your Committee uses so frequently in its pronouncements concerning Puerto Rico, is "free self-determination". I am going to separate its parts, analyse each one, and hopefully arrive at some conclusions which I feel have not been clarified well enough for the public on previous occasions.

Let us start with the pivot word of this expression: "determination". The term as used by your Committee is defined as an ultimate, final decision. This final decision concerning our status is most important to the well-being of our island. The decision is currently in the process of being formulated through a referendum or plebiscite, where the populous of the island will determine the final political status that will guide our future. Another important adjective, and probably equally as important a word as "self", is the descriptive label "free". To be free means unrestricted, unhindered, in the sense used here concerning personal rights, social and political liberty. And finally we have the word

(Ms. Aloise de Hernandez)

"self", used again as an adjective in this expressive term, meaning of one's own volition, pertaining to the person and possession of.

When these three words are placed together in the expression "free self-determination", the implied meaning is such that the final decision will be made by the people it concerns, with no meddling by any outside forces or influences. As stated previously, this final decision is currently on the road to resolution. But on our final decision - unlike the pronouncements that your Committee presents yearly, where only one alternative is insisted upon - three options or alternatives are currently being considered; these are: enhanced commonwealth, independence, and statehood. Unfortunately, this Committee in its definition of free self-determination considers only the alternative of independence. For us there are others. You may continue your yearly declarations of only independence for Puerto Rico, but the people of Puerto Rico will make their final decision by themselves. Their free determination is purely their own private matter. And we want it that way. We want to have our plebiscite. We want to make our final decision. We want to determine our own political future freely - and that means also without any interference by this august Committee. Only then will it truly be free.

Ms. Aloise de Hernandez withdrew.

At the invitation of the Chairman, Mr. Fernando Martin Garcia (Partido independentista puertorriqueño) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Martin Garcia.

Mr. MARTIN GARCIA (interpretation from Spanish): My name is Fernando Martin García. I am the Vice-Chairman of the Partido Independentista Puertorriqueño and a senator in the Puerto Rican legislature.

(Mr. Martin Garcia)

The initiatives that the United States Government has been taking to deal with the political problem of its relationship with Puerto Rico make any decision the Committee may adopt this year an extremely important one for the future of the people of Puerto Rico.

What is at stake here is whether the international community, through this Committee, is going to turn its back on what may happen in Puerto Rico or whether, on the contrary, it will reaffirm its historical jurisdiction as the guarantor and defender of the Puerto Rican people's rights as recognized in General Assembly resolution 1514 (XV).

The new developments in Puerto Rico can be summarized as follows:

On 17 January 1989 the chairmen of the three main political parties in Puerto Rico, in a joint letter addressed to the President and the Congress of the United States, said that

"Since Puerto Rico fell under the sovereignty of the United States of America, by virtue of the 1898 Paris Treaty, the people of Puerto Rico have never been formally consulted by the United States with regard to the choice of their final political status".

In response to that letter, the President of the United States, in his first message to the Congress of that nation, on 9 February 1989, stated:

"For a long time I have felt that the people of Puerto Rico must have the right to determine their own political future. Personally I prefer annexation. But I ask the Congress to take all the necessary measures to enable the people to decide in a referendum."

(Mr. Martin Garcia)

Those two facts have a great deal of meaning for the international community. First, the statement of the chairmen of the three main political parties reflects the consensus of almost all the people of Puerto Rico that our people has never exercised its right of self-determination since the invasion by the United States in 1898. Therefore it is no longer possible to argue that there are differences among Puerto Ricans about the character of political subordination and absence of self-determination in Puerto Rico's current political situation.

The second fact, President Bush's appeal to Congress, constitutes a public admission by the United States Government that the parties in Puerto Rico are right in charging that the United States has not yet enabled the people of Puerto Rico to exercise its right to self-determination.

As a consequence of those facts, we, the main political parties in Puerto Rico have become involved in a lengthy process of campaigning and negotiating with the committees of the United States Senate and House of Representatives that have jurisdiction in the matter, hoping that Congress will adopt legislation to make possible a process leading to the exercise of the right of self-determination by the people of Puerto Rico. That legislative process in the United States has not yet been completed, but its effects so far can already be assessed.

There is no doubt whatsoever that if either of the bills being considered in both houses of the Congress of the United States became law, it would lack the minimum indispensable elements required by international law with regard to decolonization. The bills ignore the principles of General Assembly resolution 1514 (XV), they attempt to include clearly colonial alternatives and they reserve for Congress the power to make any final decision. There is no need, therefore, to give a complete list of all their deficiencies under international law.

(Mr. Martin Garcia)

However, this sombre picture, does not mean that the political process which has begun with these events has not had some very beneficial effects. The process has served to confront the Congress and Government of the United States with their colonial problem in Puerto Rico, and it has created an awareness of the need to resolve the problem.

For the Puerto Ricans who want independence that confrontation and that growing awareness in the United States of our colonial reality constitute an advance and an achievement with historic consequences.

Since the proposed consultation by the United States Government would lack any validity under international law, for the reasons which I have already given and which my party has stated in public hearings in both houses of Congress, it would be merely one more colonial electoral contest. The Partido Independentista proposes to take part in this electoral process because we are convinced that it is desirable to encourage the process of political re-evaluation begun by the United States Government with regard to Puerto Rico and because we firmly believe that our participation will make the contradictions of the colonial régime more acute and accelerate its collapse.

I repeat however, that the proposed consultation can have no validity in international law because of its limitations and its inherent and irremediable flaws.

Thus the good news is that we see the beginning of a political process whose dysfunctional effects will speed the eventual collapse of both colonialism and annexation as options for the future of Puerto Rico. The bad news is that the United States Government has not yet accepted its inescapable obligation to decolonize Puerto Rico.

(Mr. Martin Garcia)

Faced with these events, therefore, the Special Committee must carry out the delicate task of acknowledging as a positive step the recognition by the United States of the fact that a problem of the lack of self-determination - that is, colonialism - exists, in Puerto Rico, while insisting that any process of self-determination will have to be governed by international law and to guarantee the right of the people of Puerto Rico to self-determination and independence, as required by General Assembly resolution 1514 (XV). If those requirements are not met, any consultative exercise or referendum, however useful it may be politically in leading to subsequent processes, will be legally null and void in the eyes of the international community.

Since, in any event, the legislative process in the Congress of the United States has not come to an end, and therefore no law has yet been enacted in the matter, I urge the Special Committee to adopt a resolution that, with an eye to the future, reaffirms our right to self-determination and independence and the validity of General Assembly resolution 1514 (XV) with regard to Puerto Rico reiterates its requirements regarding the necessary conditions for self-determination by the people of Puerto Rico and insists that the case of Puerto Rico must be kept under consideration, so that next year the Committee may assess the outcome of the initiative taken by the United States Government.

Mr. Martin Garcia withdrew.

At the invitation of the Chairman, Mr. Carlos Gallisá (Partido Socialista Puertorriqueño (PSP)) took a place at the Committee table.

The CHAIRMAN: I call on Mr Gallisá.

Mr. GALLISA (interpretation from Spanish): For the official record, I am Carlos Gallisa, General-Secretary of the Partido Socialista Puertorriqueño, and I am accompanied by my colleague, Rafael Anglada of our Committee on International Law.

(Mr. Gallisá)

Let me begin my statement this morning by paying a special tribute to Venezuela, which in the current session has again followed the principles of Bolivar and Latin Americanism in proposing a draft resolution, which has already been distributed, and has the support of all of us Puerto Ricans who are struggling for the decolonization of our homeland. We trust that Chile will join in this Venezuelan initiative, that it will conduct itself in accordance with the principles of Latin Americanism and will join Venezuela and Cuba in sponsoring the draft resolution. That is our hope for this session.

We also hope that our Caribbean neighbours in Trinidad and Tobago will join in the Caribbean and Latin American effort to eradicate colonialism from our America.

(Mr. Gallisá)

As the process of détente advances and new conditions for a new order of international relations are created, we see the importance of complying, as soon as possible, with the rest of the decolonization agenda, since colonialism is incompatible with the aspirations of peoples to self-determination, justice, democracy and independence. Puerto Rico, a Latin American and Caribbean nation, is a key part of this final decolonization agenda, as has been stated on many occasions by this Committee of the United Nations, the Non-Aligned Movement and other important world bodies.

Throughout the past year and a half we have seen an intensification of debate on the issue of the decolonization of Puerto Rico, brought about mainly by the initiative taken in 1989 by the United States Government to hold a consultation of the Puerto Rican people regarding its political status. On the one hand, President Bush himself has advocated legislation for holding what he has called a "referendum" and has used the resources of the Executive Branch to campaign in favour of the annexation of Puerto Rico as one more state of the Union. On the other hand, the United States Senate Committee on Energy and Natural Resources and the House of Representatives Sub-Committee on Insular and International Affairs have held hearings and discussed legislative bills in order to implement the so-called referendum. That body of the House of Representatives has recently approved a bill on the self-determination of Puerto Rico (C.R. 4765), and all indications are that that bill or something similar will sum up the principal elements of Congress's position and therefore has a high probability of being adopted.

While recognizing the importance of the fact that the colonizing Power is starting to take some tangible action in an attempt to resolve the colonial situation that it created by invading our country 92 years ago, we must say at this

(Mr. Gallisá)

meeting that we see the reaffirmation of what we had already anticipated in the statement we made here last year, that this referendum is a farce, a mockery of the Puerto Rican people's right to self-determination, designed to ease international pressure and give the impression that a decolonization process has been carried out in Puerto Rico.

The so-called bill on the self-determination of Puerto Rico seeks the implementation of a referendum or plebiscite that is not governed by the rules of existing international law. This assessment is agreed upon by all pro-independence forces, including - as members of the Committee heard a moment ago - the Partida Independentista Puertorriqueña which has been an active participant in the official negotiations in the United States Congress. In fact, the bill has many shortcomings.

To begin with, it was designed unilaterally by the United States Government, which has the final word in defining the various options to be put before the Puerto Rican people and, of course, defines them in accordance with its own interests. It is the colonizing Power that finances and administers the consultation, it is Federal agents of the United States that supervise the process, and the Comptroller General of the United States supervises the use of United States funds by the participants and the Government of Puerto Rico. As if this were not enough, the metropolitan country's courts would decide any dispute that may arise with regard to the consultation. Federal laws will govern the voting procedure, that is, United States law will establish the parameters and the way in which they are used.

This bill does not recognize the sovereignty of the Puerto Rican people, nor does it guarantee the transfer of powers to enable the Puerto Rican people to exercise its right of self-determination. The United States is not committing

(Mr. Gallisá)

itself to anything, and in the final analysis what will happen in Puerto Rico is merely a popularity contest. There is no guarantee of the right of vote for Puerto Ricans residing in the United States, and the result is an absurd situation in which foreigners with United States citizenship have the right to decide the destiny of Puerto Rico while Puerto Ricans who have been forced to emigrate because of colonialism itself do not have that right.

In that so-called popular consultation, an attempt will be made to present the current formula of commonwealth status as a new formula, proposing changes in the economic structure that will make it similar to the states of the United States and will increase dependency thus enhancing the possibility of eventual annexation in the long run.

Furthermore, we must stress that through this process President Bush personally and his chief aides have visited Puerto Rico and taken a variety of actions there, as well as in the United Nations and in Washington; they have used their official position to exert undue pressure and manipulate information so as to foster support for the annexation formula, which in fact represents the culmination of colonialism and the greatest threat of destruction of our national identity.

As was pointed out in a joint statement by the chairmen of the three principal parties of Puerto Rico at the beginning of this process, the people of Puerto Rico has never been formally consulted by the United States Government on the question of Puerto Rico's status. This runs counter to the traditional policy of the United States as expressed in international bodies in which it had been claimed that Puerto Rico had exercised its right to self-determination with the creation of the commonwealth in 1952 and its ratification in the 1967 plebiscite. We must now emphasize that the new referendum bill, whose discussion and approval prove the fraudulence of the 1952 and 1967 consultations, does not guarantee self-determination either.

(Mr. Gallisá)

For that reason we ask the Special Committee and the General Assembly to reject this new deception which the United States is attempting to certify as a valid plebiscite to determine the political status of Puerto Rico. We ask the Committee to reaffirm once again the Puerto Rican people's inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV) and the full applicability of that resolution to Puerto Rico. Furthermore, we earnestly request that the principles of international law which must govern any real plebiscite should be established, and we urge the Committee and the United Nations as a whole to speak out in favour of the release of and unconditional amnesty for all fighters for independence who are prisoners in United States prisons today because they fought for their country's independence.

(Mr. Gallisá)

The Committee must also express as forcefully as possible its position of principle against colonialism in Puerto Rico, so as to send the President and the Congress of the United States a strong message to the effect that the international community is not prepared to recognize the proposed referendum or consultation as the genuine exercise of the Puerto Rican people's right of self-determination and that it cannot represent the final determination of the decolonization options for Puerto Rico.

Puerto Rico continues to be the great challenge for the United Nations, in carrying out its commitment under the Decade of for the Eradication of Decolonization and removing colonialism from the world before the end of the century. If the Organization fails in this mission in the case of Puerto Rico, it will never be able to say that mankind is living in a new era of freedom without colonies.

Mr. Gallisá withdrew.

At the invitation of the Chairman, Mr. Carlos Vizcarrondo Irizarry (Pro-Estado Libre Asociado (PROELA) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Vizcarrondo Irizarry.

Mr. VIZCARRONDO IRIZARRY (interpretation from Spanish): My name is Carlos Vizcarrondo Irizarry. I am the President of the pro-autonomy organization PROELA. I am accompanied by my colleague Luis Vega, President of Juventud Universitaria Autonomista and a member of the board of directors of our organization.

Before beginning our statement, we should like to refer to a fact which has deeply grieved the Puerto Rican people. Yesterday, 13 August 1990, the former First Lady of Puerto Rico, Mrs. Inés Mendoza, widow of the first Governor of Puerto Rico elected by the Puerto Ricans, died. Mrs. Mendoza was a living symbol of the

(Mr. Vizcarrondo Irizarry)

Puerto Rican nation and a faithful believer in the principles of decolonization and autonomy which we have been advocating for 13 years before the Special Committee. We therefore dedicate our statement today to her memory.

We are appearing before the Committee for the thirteenth consecutive year representing the pro-autonomy organization PROELA. Our organization is dedicated to the development of the Commonwealth in free association with the United States of America.

Our idea of autonomy as a decolonizing alternative is recognized in General Assembly resolutions 748 (VIII) of 1953 and 1541 (XV) of 1960. The Special Committee endorsed the validity of that option as a decolonizing alternative side by side with independence, in keeping with General Assembly resolution 1514 (XV), when it adopted its resolution of 12 September 1978.

This year our petition is particularly significant, since it comes at a historic time for the Puerto Rican people. During the past year the United States Congress has been considering legislation concerning a plebiscite in Puerto Rico.

We must recognize that the work accomplished by the Committee over the years in the case of Puerto Rico has played a decisive role, as we see it, in the United States Congress's recognition that there is a political and juridical problem with respect to the nature and the future of relations between the peoples of Puerto Rico and the United States. An attempt is being made to resolve that problem by the holding of a plebiscite next year, according to the proposed legislation now being considered.

In this statement we wish to make it clear, for the record, our position that there are several principles which have to be respected in this plebiscite in order to ensure that it meets the requirements of international law.

(Mr. Vizcarrondo Irizarry)

The first principle is that any undue interference in the exercise of the Puerto Rican people's right of self-determination must be avoided. This is an indispensable prerequisite to ensure the validity, fairness and impartiality of the process, guaranteeing the principle of non-intervention, which is a basic pillar of democracy.

Over the last few months, in violation of that principle, the Administration of President George Bush has been mobilizing the resources of the Presidency in support of statehood or annexation for Puerto Rico. The President of the United States has sent emissaries to Puerto Rico to promote statehood or annexation, in clear violation of principle IX (b) of General Assembly resolution 1541 (XV) of 15 December 1960, which provides that:

"The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes."
(resolution 1541 (XV), principle IX (b))

It is our understanding that the repeated interventions of President Bush and his emissaries in the plebiscite process, with the firm purpose of advocating annexation for Puerto Rico, constitutes undue interference in a decision-making process which only the Puerto Rican people is entitled to carry out. Such interference would invalidate the entire process and make it impugnable in the competent international bodies.

Such action by the Executive Branch of the Federal Government has been rejected in a resolution approved by the governing body of the Partido Popular Democrático, the governing party in Puerto Rico, which we submit as an addendum

(Mr. Vizcarrondo Irizarry)

to this statement. In the operative part of the resolution, the party resolves:

"(1) to reject as improper the activist practices of President Bush and his representatives in favour of federal statehood for Puerto Rico;

"(2) to repudiate strongly any attempt by the United States Government to manipulate Puerto Rican public opinion in favour of one of the status formulas; and

"(3) to designate a commission to put forward this position of the Party before the Congress of the United States, the United Nations and any other appropriate forum".

We repeat that if this undue pressure is continued, it will invalidate the entire plebiscite process and make it impugnable in the competent international bodies.

The second principle is that all the alternatives presented to the electorate must be in accordance with the requirements established under international law and the General Assembly resolutions applicable to the case of Puerto Rico.

The third principle is the recognition that all the status alternatives presented to the electorate must guarantee the sovereignty of the Puerto Rican people, both at the time of the voting to select a status formula and in the political and juridical relationship that may be established after the plebiscite.

Sovereignty is the fundamental attribute of a people, enabling it to decide its future and permanently control its destiny. The people of Puerto Rico demands recognition of its sovereignty to decide its own future. If the sovereignty of the Puerto Rican people were to rest exclusively with Congress, our people could not legitimately exercise its right of self-determination.

(Mr. Vizcarrondo Irizarry)

In that connection, the wording of any legislation to be adopted must be specific in its recognition of sovereignty in the three status formulas. In the particular case of Commonwealth status, which we support, the wording should specify that Puerto Rico is to be excluded from application of the territorial clause of the United States Constitution, which would prevent the United States Congress from unilaterally adopting legislation on matters which are within the exclusive competence of the Puerto Rican people.

The fourth principle is that the right to vote in the proposed plebiscite should be guaranteed to all Puerto Rican nationals whether residing on the island or in the United States. The electoral provisions adopted to govern the plebiscite should conform on this point with the requirements of international law.

In the light of the points I have mentioned, we call for the establishment by this Committee of an observer committee to monitor the application of international law in the plebiscite process.

Lastly, we urge the Special Committee to keep the case of Puerto Rico under review since that will provide the best guarantee of the observance of the basic principles of international law and the full exercise of the Puerto Rican people's right of self-determination.

Mr. Vizcarrondo Irizarry withdrew.

At the invitation of the Chairman, Mr. Michael E. Deutsch (National Lawyers Guild) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Deutsch.

Mr. DEUTSCH: My name is Michael Deutsch, and I wish to express my thanks for this opportunity to address the Special Committee on behalf of the United States National Lawyers Guild and its Puerto Rico sub-committee. The National Lawyers Guild was founded over 50 years ago as an alternative to the politically

(Mr. Deutsch)

conservative and then racially segregated American Bar Association. Today the Guild has a membership of over 7,000 lawyers, legal workers and law students who devote their legal skills to human rights and social justice.

Of particular importance to our organization has been our long history of work in opposition to the manifestations of United States colonialism in Puerto Rico, including its effects on Puerto Rican people forced to migrate to the United States. We feel a special responsibility to offer our legal skills to assist those who work for freedom from illegal domination and exploitation by our own Government.

For over three decades members of our organization have worked in the representation of independence activists who have been victimized by United States Government institutions of repression: draft resisters, union organizers, student protesters, grand-jury resisters and Puerto Rican freedom fighters. We have often worked closely with lawyers from Puerto Rico and have testified before many national and international forums about the illegal colonization of Puerto Rico.

We are particularly grateful for the opportunity to address the Committee this year at this historic juncture.

The United Nations has declared the 1990s to be a decade free of colonies, and yet at the dawn of this decade we find the United States intransigent in its continuing colonial domination over Puerto Rico. That domination is manifested in two very tangible ways. One can be seen in the conditions in which Puerto Rican people are forced to live, both in the island and in the metropolis, conditions which are at an all-time low. It is no mere coincidence that the per capita income of the people of Puerto Rico is one half that of Mississippi, the poorest state in the United States. Nor is it some cruel twist of fate that the rates of suicide, mental illness, drug addiction, alcoholism, crime and the sterilization of women

(Mr. Deutsch)

are among the highest in the world. The land, water and air are contaminated by multinational corporations to which tax laws and environmental laws do not apply, and United States military bases occupy more than 13 per cent of the best of Puerto Rico's land. Those are among the direct and horrific consequences of colonialism.

Another tangible manifestation of colonialism is the existence of the 18 political prisoners and prisoners of war currently in United States prisons for their anti-colonial beliefs and actions.

As we all know, this moment in history is significant because of the referendum called by the United States Congress for 1991, supposedly to consult the Puerto Rican people and resolve the Puerto Rican problem, to address what the United States has consistently represented to this Committee as an "internal" matter with which this body need not concern itself. Colonialism is not an internal matter, and the referendum is not a solution.

Having just helped guide the process leading to the independence of Namibia, the Special Committee is well aware of the international standards for decolonization. Namibia enjoys its new-found status as an independent nation because its prolonged anti-colonial war culminated in the application of those standards.

A look at those international standards for decolonization will reveal that the referendum does not conform and therefore cannot possibly be an instrument of decolonization. In 1960 the General Assembly set forth in its resolution 1514 (XV) that the colonizing Power must transfer all powers to the people of the colonized Territory. That includes the withdrawal of the military and the cessation of the operation of repressive agencies and control of the media. Those imprisoned for pro-independence activities must be freed. And the United Nations must supervise the process.

(Mr. Deutsch)

The most basic of those requirements, the transfer of powers, has not taken place, nor are plans afoot to make such a change. Instead, the United States Congress has insisted throughout the process that it will not cede sovereignty to the Puerto Rican people. The 1989-1990 debates in Congress, focused on maintaining sovereignty, included the question whether the results of the popular vote will be self-executing - in other words, whether Congress will even accept and implement the results of the vote. The United States Congress will even decide the nature of the three options and will decide who is Puerto Rican for the purposes of the so-called plebiscite.

In the recent hearings held by Congress, it became clear that the United States has no intention of withdrawing its military forces. The strategic location of Puerto Rico has afforded the colonizer a base of aggression for use in invasions of other Latin American nations, the training of invasion forces and war games. The United States Government has made it clear that no matter which of the three options is ultimately selected, the military will remain in Puerto Rico.

Nor will the United States be withdrawing its other repressive agencies, which have historically monitored and silenced anti-colonial sentiment. There is no commitment to remove the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA) or other military intelligence agencies. When the United States invaded Puerto Rico, the majority of the population favoured independence. When the colonizer permitted Puerto Rico to elect its own Governor, the Governor was elected on a pro-independence platform. Over the years, the United States has repressed the independence movement through measures ranging from assassination and the criminalization and incarceration of leaders to spying and collecting intelligence on political activists and blacklisting independentistas from employment. The full extent of all this is just being exposed, and the Government is zealously resisting full exposure.

(Mr. Deutsch)

At the same time as the United States claims to be seeking a resolution to the colonial status of Puerto Rico, it is vigorously attempting to imprison more Puerto Rican patriots for their commitment to the freedom of their country. Nine independence activists are still awaiting trial in Hartford, Connecticut, facing long prison sentences hundreds of miles from their families and homeland. How can the United States truly be in favour of respecting the aspirations of the people of Puerto Rico and still be persecuting respected independence leaders?

How hypocritical that President Bush welcomes Nelson Mandela with open arms - welcomes a freedom fighter who continues to affirm the legitimacy of armed struggle, who emerges from 27 years of imprisonment for the very same "offence", seditious conspiracy, for which 13 of the Puerto Rican patriots are being held. How hypocritical that this same President will not admit the existence of political prisoners in his own country, let alone free them in conjunction with solving the so-called Puerto Rican problem.

(Mr. Deutsch)

How hypocritical that the Bush Administration would release from prison the Cuban terrorist Orland Bosch, who even United States officials believe participated in the 1976 bombing of a Cuban passenger plane, which resulted in the death of 73 civilians, and still refuse to release the Puerto Ricans in prison. How hypocritical that the Government of the United States criticizes other Governments for conditions of incarceration of political prisoners, conditions which are in reality practised by the United States.

This year, on 4 April, 10 Puerto Rican prisoners of war, men and women, clandestine combattants of the Fuerzas Armadas de Liberacion Nacional, completed a decade of imprisonment under conditions designed to break their resistance, conditions which violate minimum human-rights standards. Prisoner-of-war Oscar Lopez Rivera has been held for close to four years in solitary confinement at a United States penitentiary in Marion, Illinois, the most secure prison in the United States.

The monumental developments in the world today on behalf of people struggling for freedom and independence demand that the international community not overlook the struggle of the Puerto Rican people for their fundamental right to self-determination and national independence. The people of Puerto Rico have an inalienable right to independence and sovereignty, and any country which claims to uphold the principles of freedom must condemn the United States colonial domination and plunder of that Caribbean island. If the United States Government truly applauds those who fight for freedom, it must not be allowed to imprison and brand as terrorists those who have fought for the freedom of Puerto Rico.

Now is the time for the international community to speak with one clear and resounding voice to demand the end of the colonial subjugation of Puerto Rico.

The petitioner withdrew.

Mrs. Conchita Rinaldi de Soltero (Respetable Logia Femenina Julia de Burgos)
took a place at the Committee table.

The CHAIRMAN: I call on Mrs. Rinaldi de Soltero.

Mrs. RINALDI DE SOLTERO (interpretation from Spanish): You have before you the Respectable Logia Femenina Julia de Burgos, a Puerto Rican Mason's organization represented by the honourable former teachers Conchita Rinaldi and Minerva Gonzalez.

In our statement of last year we pointed out several of the flaws of Senate draft legislation 712, adopted on 4 August 1989 by the Senate Committee on Energy and Natural Resources, which render null and void the proposed referendum on Puerto Rico's political future. Later, the Senate's draft was studied and amended by various Committees having jurisdiction on the subject. It has not been submitted to the Senate as a whole for confirmation or rejection.

The Sub-Committee on Island Matters of the House of Representatives, in the meantime, submitted draft Bill 4765, which does not define alternatives for status and does not establish any commitment by the United States Congress vis-à-vis the people of Puerto Rico. An attempt is being made to have the Puerto Rican people vote for a political formula whose definition will be decided upon afterwards by the various committees of the House of Representatives and the Senate following consultations with the heads of the three political parties on the island.

The Sub-Committee on Island Matters has not visited Puerto Rico publicly with regard to these Bills, and nor has Washington. What happened was that the leaders of the three political parties were asked to come before the Sub-Committee for a hearing on 28 June last, to submit their definitions of the political formula each party wishes to offer as an ultimate solution to the problem of colonialism in our homeland. In that hearing, each of the three heads of the political parties were

(Mrs. Rinaldi de Soltero)

heard. As regards the Administration of President Bush, a single person appeared, Mr. Stuart M. Gearson, of the Civil Division of the Department of Justice. In his appearance, Mr. Gearson argued against the definition of an improved commonwealth status submitted at the hearing by the head of the Democratic People's Party, and stated that many of the so-called principles contained in that definition were unconstitutional. Mr. Gearson insisted that Puerto Rico is subject to the "territorial clause" of the United States Constitution. He pointed out that under the proposals for commonwealth status as defined there, Puerto Rico is deemed to be an autonomous political entity in permanent union with the United States. Mr. Gearson said it was difficult to understand this: while Puerto Rico remains under commonwealth status in permanent union with the United States, it would of necessity be subject to the United States Congress for all necessary rules, laws and regulations with regard to territories that belonged to the United States. He added:

"We believe the people of Puerto Rico must be quite clear on the fact that it is not binding on the Congress or the President to legislate on such proposals and, more important yet since these provisions would not be binding, we believe the chance of these being misinterpreted and confused is so great that in the final analysis they must not be included. It may well be that if they are included, Congress and President Bush, after serious consideration, will not adopt them in the final decision."

On 3 August, 11 days ago, after long debate, the House of Representatives Committee on Island Matters unanimously adopted draft Bill 4765, which does not contain definitions of the three formulas for status. Following Mr. Gearson's recommendations, the definitions were included in a separate report appended to the draft Bill, which orders the General Accounting Office to study the probable

(Mrs. Rinaldi de Soltero)

economic impact of the three formulas of status as defined, and to report to the Sub-Committee on Energy and Natural Resources of the Senate and the House of Representatives in time to allow the House and Senate to vote at the beginning of September.

On the day on which the draft Bill was adopted, 3 August 1990, the newspaper El Mundo published a paid advertisement as follows:

"The new commonwealth status of Puerto Rico will unite it with the United States in a permanent relationship that can be changed only by mutual consent. Under this agreement, the Commonwealth of Puerto Rico will be an autonomous political entity with its own culture and personality. It will not be incorporated into the United States, and it will be sovereign as regards matters concerning Puerto Rico's Constitution, in keeping with the United States Constitution."

This new definition cannot conceal the flaws mentioned by Mr. Gearson, which render this solution unacceptable to President Bush. The changes in some of the wording cannot hide the colonizing nature of the situation, despite some of the words used. It must be quite clear that the United States Government must support the its moral obligation vis-à-vis Puerto Rico after 92 years of colonialism, and make it possible for Puerto Rico to achieve freedom by means of real processes of decolonization that result in its sovereignty. The definition of new commonwealth status must not be offered in the projected referendum, because that would merely perpetuate Puerto Rico's colonial problem.

(Mrs. Rinaldi de Soltero)

We trust that the Committee will keep abreast of the dubious process that is taking place in the United States Congress. We ask the Committee to redouble its efforts and to be alert to ensure that the formulas submitted by United States Congress to the people of Puerto Rico conform to General Assembly resolution 1514 (XV) and to the rules of international law. We thank the Committee once again for its valuable help.

Mrs. Rinaldi de Soltero withdrew.

QUESTION OF THE FALKLAND ISLANDS (MALVINAS) (A/AC.109/1042; A/AC.109/L.1743)
(continued)

The CHAIRMAN: I now call on the representative of Venezuela to introduce draft resolution L.1743.

Mr. CARNEVALI-VILLEGAS (Venezuela) (interpretation from Spanish): We should like at this point to submit to the members of the Committee for their consideration a draft resolution sponsored by Chile, Cuba and Venezuela and contained in document A/AC.109/L.1743. The draft resolution is in keeping with the text adopted by a large majority in 1989.

The fourth preambular paragraph of the text expresses distress at the fact that, notwithstanding the time that has elapsed, this prolonged dispute has not yet been settled. The fifth preambular paragraph refers to the interest of the international community in the resumption of negotiations in order to find as soon as possible a peaceful, just and lasting solution to the dispute, in accordance with General Assembly resolution 2065 (XX) and other relevant resolutions.

There are two new preambular paragraphs. In the sixth preambular paragraph, the Committee takes note with interest of the re-establishment of diplomatic relations between Argentina and the United Kingdom, and of the agreements contained the Argentine-British Declarations issued in Madrid on 19 October 1989 and on 15 February 1990. The seventh preambular paragraph refers to the new process of

(Mr. Carnevali-Villegas,
Venezuela)

dialogue and co-operation between the two States, which should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty.

The eighth preambular paragraph reaffirms the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes.

In keeping with the foregoing, in the operative part the Committee reiterates that the way to put an end to this special and particular colonial situation is the negotiated settlement of the dispute between the two Governments.

It takes note with satisfaction of the fact that the Government of Argentina has reiterated its intention to comply with the General Assembly resolutions referring to the question and at the same time expresses regret that, in spite of such circumstances and of the widespread international support for a negotiation between the two parties that includes all aspects on the future of the Malvinas, the implementation of those resolutions has not yet started.

In paragraph 4 the Committee urges the Governments of the parties to the dispute to consolidate the current process of dialogue and bilateral co-operation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the question.

As in previous years, in this draft resolution the Committee offers its firm support for the Secretary-General's efforts to fulfil the mission entrusted to him by the General Assembly in its resolutions on the question, and it decides to keep the question under review, subject to the directives that the General Assembly has issued and may issue.

(Mr. Carnevali-Villegas,
Venezuela)

My delegation believes that the draft resolution is in keeping with the best interests of the parties in question and of the international community in its task of protecting international peace and security. We therefore trust that it will be supported by all the members of the Committee.

The CHAIRMAN: I now call on the representative of Argentina to make a statement.

Mr. CHIARADIA (Argentina) (interpretation from Spanish): I should like at the outset to congratulate you, Sir, on your unanimous re-election as Chairman of the Special Committee on decolonization. All of us here are aware that that is simply the result of the confidence placed in you and of your skill and wisdom in guiding the work of this important body.

We also wish to congratulate and commend the other members of the Bureau and the Secretariat staff. Their dedication and commitment to the lofty objectives of the Committee undoubtedly make a major contribution to its effective functioning.

Apart from our direct and specific interest in the question of the Malvinas, and despite the fact that my country is not a member of the Special Committee on decolonization, Argentina has been following the developments and discussions in the Committee with special attention and interest. We are fully aware of the fact that, within the United Nations, this body has been the moving force that has led to the freedom and independence of a large number of States. There is little doubt that, in its lofty mission the Committee has to a large extent achieved its objectives. But there is also no doubt that, having reached this point, it must redouble its efforts until the last vestiges of colonialism are eliminated from the international community. It is in that sense that the members of the Committee should view our commitment to the Committee's mission and our support of its work.

(Mr. Chiaradia, Argentina)

My delegation is once again grateful to you, Sir, and to the other members of the Committee for making it possible for us to speak in the debate on the question of the Malvinas. This is a question that directly affects the territorial integrity of Argentina. It is linked with the most deeply rooted feelings of my people and is a priority issue for the external policy of our Government.

As the Committee is well aware, the question of the Malvinas is a special and particular colonial situation that cannot be equated with the situation of other Non-Self-Governing Territories. Many statements in the General Assembly and the Special Committee have reflected the particular features of the situation by saying, first, that the way to put an end to the colonial situation of the Malvinas is the peaceful and negotiated settlement of the Argentine-British dispute regarding sovereignty over the Territory and secondly, that both Governments, the only parties to the dispute, must, in proceeding to carry out that task, bear in mind the interests of those who live in the territory of the islands today.

(Mr. Chiaradia, Argentina)

Thus, both bodies have rejected the application of the principle of self-determination in this specific case, on the understanding that, as stated in General Assembly resolution 1514 (XV), any attempt to disrupt the national unity and territorial integrity of a country is incompatible with the United Nations Charter. From that it is clear that the only acceptable basis for a just and lasting solution to the Malvinas question is the application of the sacred principle of territorial integrity.

Having come to this point, I do not wish to take up the Committee's time by repeating the basic legal and historical concepts governing our claims on the Malvinas Islands, South Georgia and the South Sandwich Islands; all the members of the Committee are very familiar with them. I shall simply repeat that the restoration of the exercise of our sovereign rights to those territories is a priority issue in Argentina's foreign policy, and that my Government is solemnly committed to achieving this objective through dialogue and negotiation. For this we have the strongest support of the international community.

Since the last session of the Special Committee many steps have been taken on the path of reconciliation between the Government of the Argentine Republic and the Government of the United Kingdom. After a series of prior talks, these steps led on 15 February - following two days of bilateral negotiations in Madrid - to a joint declaration by the two countries in which they agreed to the re-establishment of diplomatic relations and to a number of measures designed to develop the bilateral relationship and contribute to the solution of certain pending differences between the two countries.

To that end, it was decided, among other measures, to establish an "interim reciprocal information and consultation system for movements of ... their armed forces in areas of the south-west Atlantic". (A/45/136, annex, para. 5 (a))

(Mr. Chiaradia, Argentina)

It was also decided to establish a "direct communication link" (*ibid.*, para. 5 (b)) between the islands and the mainland, and

"to agree on a set of rules of reciprocal behaviour for naval and air units [of the two countries] when operating in proximity" (*ibid.*, para. 5 (c))

All of this was decided, obviously, in the spirit of promoting the relationship of trust between the two countries and in the conviction that it would contribute to achieving a more normal situation in the area very soon.

For the purpose of following up these questions, and with regard to the development of the fishing resources in the South Atlantic, the Madrid meeting concluded with an agreement by the two Governments to set up a Working Group on South Atlantic Affairs; its first meeting is to be held before 15 February 1991.

The embassies in Buenos Aires and London have now been reopened, and the respective heads of mission, at the ambassadorial level, have already assumed their functions. The progress achieved is unquestionably a source of satisfaction to us - first, because there has been a normalization of relations with a country with which Argentina throughout its history has had very important links at various levels, and, secondly, because in this way we have succeeded in correcting a situation which, in the light of the new international trends towards *détente*, was really out of step with the times.

However, the persistence of the dispute over the sovereignty of the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, requires renewed efforts to ensure that, by means of negotiations, Argentina and the United Kingdom reach a just, peaceful and lasting solution that will put an end to this anachronistic colonial situation that prejudices my country's territorial integrity. We are convinced that the new conditions, both between the two countries and on the international scene, will contribute to the resumption of

(Mr. Chiaradia, Argentina)

negotiations that will lead to a solution in which, of course, the interests of the inhabitants of the islands will be taken into account and provided for.

The Committee has before it draft resolution A/AC.109/L.1743, sponsored, as in the case of past draft resolutions on this item, by Cuba, Chile and Venezuela. As is clear, this sponsorship reflects the regional dimension of the problem and Latin America's firm support for Argentina's rights. My delegation once again pays a tribute to these three sister countries, which have for such a long time now solidly supported Argentina in its attempt to eliminate from Latin America one of the last vestiges of colonialism there.

This draft resolution endorses the principles and objectives required for the achievement of a just, peaceful and lasting solution to the question. In essence, it focuses on urging the parties to resume negotiations in order to achieve a peaceful settlement of this dispute. Today, at the dawn of the twenty-first century, we have witnessed the destruction of the Berlin Wall, with all that this signifies in regard to some ideological questions that appeared vital only a short time ago but now are not. Today, the African colonial chapter is about to be closed. Today, the Argentine Republic has confirmed its commitment to deal with the solution of this dispute by means of negotiation. Hence, there could not be many who still believe that there are any valid reasons for not proceeding to dialogue and negotiations in this case. It therefore seems clear that it would be useful for the international community to send the most homogeneous message possible to the parties to take this path. Today it is the Special Committee that represents the international community in this matter, and my delegation will be deeply grateful for the largest degree of support that the members of the Committee can extend to draft resolution A/AC.109/L.1743.

The CHAIRMAN: The Committee will now proceed to take action on draft resolution A/AC.109/L.1743.

As no member wishes to comment on the draft resolution before the voting, I now put it to the vote.

Draft resolution A/AC.109/L.1743 was adopted by 20 votes to none, with 3 abstentions.

The CHAIRMAN: The Committee has thus concluded its consideration of this item.

SPECIAL COMMITTEE DECISION OF 17 AUGUST 1989 CONCERNING PUERTO RICO

(A/AC.109/L.1746) (continued)

At the invitation of the Chairman, Mr. José M. Soltero (Comité de Puerto Rico en la ONU) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Jose M. Soltero.

Mr. Jose M. SOLTERO (interpretation from Spanish): I am addressing the Committee once again as Chairman of the Comité de Puerto Rico en la ONU. I am accompanied by my colleague Vanesa Ramos.

I wish to pay special tribute to the representative of Cuba, Ambassador Ricardo Alarcon de Quesada, who has been a consistent and outstanding advocate of the struggle for decolonization, no matter how powerful or repressive the colonizing metropolis may be.

In my statement last year I congratulated the Committee on its consistent work in studying the colonial situation of Puerto Rico, which had forced the United States to re-evaluate its colonial political relationship with the island. That re-evaluation has not yet culminated in any final position.

What is important about the process concerning which I wish to inform the Committee and whose characteristics I must emphasize is the position adopted by the United States. That country reaffirms that sovereignty over Puerto Rico is vested in the Congress of the United States, as a result of the United States victory in the Spanish-American war of 1898, when, on 25 July, the United States militarily invaded the island, keeping it as the spoils of war.

That situation is contrary to the principles of the United Nations, since under the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted on 14 December 1960, embodying the decision of the countries of the world to eliminate colonialism,

(Mr. Jose M. Soltero)

"Immediate steps shall be taken ... to transfer all powers to the peoples of ... territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom." (General Assembly resolution 1514 (XV), para. 5)

Therefore, any decolonizing process must be subject to the guidelines and principles of international law and should be supervised by the community of nations, particularly by this Committee on decolonization, as a condition that must be met if the process is to be legally valid.

Once again, the United States is trying to use machinery contrary to international norms, claiming that that process constitutes the exercise of our rights as Puerto Ricans to self-determination.

We must denounce the various actions taken by the United States throughout the history of its relations with Puerto Rico.

In 1952, in response to the mandate given by the San Francisco Charter, the United States succeeded in maintaining the colonial status of Puerto Rico when the United Nations, by General Assembly resolution 748 (VIII), exempted it from submitting reports to the General Assembly. It did so on the basis of the claim that we Puerto Ricans had exercised our right to self-determination by establishing the Commonwealth, a false claim, since that status had been imposed on us without our being able to exercise our sovereignty.

The case of Puerto Rico did not come under consideration again until 1965, when, on the basis of resolution 1514 (XV), the United Nations declared through the Special Committee of 24 that the process of 1952 had not been a decolonization process and condemned the distorted information supplied by the United States.

(Mr. Jose M. Soltero)

The response to that denunciation was the United States order to the then Governor of Puerto Rico, Roberto Sanchez Vilella, to organize a plebiscite offering the choices of independence, Commonwealth status and statehood. Although he did not agree with it, Sanchez Vilella had to submit to that imperialist order, and a spurious plebiscite was held in 1967. We, the advocates of independence, did not participate, and the broad rejection of the plebiscite by the Puerto Rican people was shown by the fact that 40 per cent of those entitled to vote abstained. The plebiscite was subsequently described by the then ex-Governor Sanchez Vilella as "the act that reaffirmed colonialism in Puerto Rico".

Since 1972 the Committee on decolonization has discussed the colonial case of Puerto Rico year after year, adopting resolutions that recognize the inalienable right of the Puerto Rican people to self-determination and independence.

By its resolution 43/47, adopted in 1988, the General Assembly declared the 1990s to be the International Decade for the Eradication of Colonialism.

(Mr. Jose M. Soltero)

Puerto Rico is the most important case of colonialism in this decade. That is why the United States has sought to carry out an action that will give it more time to maintain its colonial domination over the Puerto Ricans, as it has managed to do over the past 38 years through its actions in 1952 and 1967. The present action being attempted by the United States is motivated by the intention to keep the case of Puerto Rico an internal matter of the United States, contrary to what has been established by international law.

For all these reasons, we declare that the actions of the United States so far have been merely an attempt to prolong its colonial rule over Puerto Rico. By those actions it is in no way complying with the mandate of the Decade for the Eradication of Colonialism since it has not in any way brought about the culmination of the process of Puerto Rican decolonization.

We wish to warn this Committee to avoid another 30 years of colonialism in Puerto Rico by keeping our case under review, and we call upon our Latin American brothers to form a sub-committee to supervise the process directly and keep the Committee informed of developments, ensuring that the requirements of international law are met.

In that spirit, we salute Venezuela, which, in accordance with the political thinking of the Liberator Simon Bolivar, is today taking a leadership position in promoting, during this Decade for the Eradication of Colonialism, the completion of the Liberator's still unfinished work with the adoption of the draft resolution circulated today in this Committee.

As Chairman of the Comité Puerto Rico ante las Naciones Unidas and as an advocate of independence, I affirm that our struggle to decolonize our country will continue to the end, that its only solution will be the exercise of our sovereign

(Mr. Jose M. Soltero)

powers as an independent nation and that only then will it be possible freely to negotiate association between equals with another nation or even integration into another people.

Mr. Soltero withdrew.

At the invitation of the Chairman, the Reverend Hector Soto Velez (Movimiento Ecuménico Nacional de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on the Reverend Hector Soto Velez.

Reverend Hector SOTO VELEZ (interpretation from Spanish): I am the Reverend Hector Soto Vélez, Pastor of the United Methodist Church of Puerto Rico, representing the Movimiento Ecuménico Nacional de Puerto Rico (PRISA).

We appear before the Committee today representing the Movimiento Ecumenico Nacional de Puerto Rico (PRISA) to present the point of view of sectors of the Christian community both in Puerto Rico and in the United States of America.

On earlier occasions we presented here our position on colonialism from the biblical and theological perspective, as a situation of sin. We have also stressed here that our reality of 500 years of colonial sin must not be ignored by the international community, much less by the Special Committee, whose jurisdiction covers the case of Puerto Rico. On other occasions as well, we have demanded - as we are doing today - that it should be ended in accordance with the principles enshrined in the Charter and set down in General Assembly resolution 1514 (XV) of 1960.

As members of the religious community, we would like to remind the international community once again that, as that same resolution 1514 (XV) points out, colonial situations such as ours violate basic rights which should be protected by all, but in particular by this Committee, which was established for that purpose. We reaffirm that the present discussion is one concerning the rights

(Reverend Hector Soto Vélez)

of a people which has been denied its freedom for 500 years, a people whose right to self-determination, freedom and sovereignty are in danger of being denied once again.

We are aware of the time limitations on this presentation, and so we shall state only a few aspects of the situation in order to show how, through the system of public instruction in Puerto Rico, attempts have been made and are still being made to keep the Puerto Rican people under colonial rule.

We have used the term "instruction" instead of "education" because that is the name by which that entity is called and perceived in our country.

In the first place, attention should be given to several paragraphs of the preamble to the Constitution of the Commonwealth quoted in one of the manuals of the Department of Instruction of the Commonwealth of Puerto Rico, the purpose of which is to serve as

"a guide for the formal training of teachers in the art of Moral Education, these being a set of values ... which should be transmitted to students through the educational system".

These lines taken from the preamble speak of the democratic system as "basic for the life of the Puerto Rican community" and briefly define the concept of the democratic system by immediately citing the following:

"... we regard as decisive factors in our life citizenship in the United States of America and the aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and prerogatives, loyalty to the postulates of the Federal Constitution and the coexistence in Puerto Rico of the two great cultures of the American hemisphere ...".

(Reverend Hector Soto Vélez)

The interpretation that follows is that

"Our Constitution orders the Puerto Rican school to educate citizens for democracy"

and that

"The school should, in addition, familiarize its students with the civilization of the United States of America and its most significant contributions ...".

Nothing appears about the three cultures that form the Puerto Rican being, namely, the Taina, African and Spanish cultures. There is nothing about the basic rights of a people, such as self-determination and independence, the right to be free and the right to self-government. There is nothing about the fact that we are part of humanity - of Latin America and the Caribbean - and not a mere appendage of the United States. How can they talk about democracy?

Clearly, if this is the most advanced thinking of the Department of Public Instruction as of 1987, it should not be difficult to understand how the whole education process from the beginning of the century until today has worked against self-determination and self-affirmation for the Puerto Rican people and in favour of the assimilation, the annexation and hence the annihilation of that people. What should indeed surprise you is that under these circumstances we are nevertheless here and that thousands of Puerto Ricans are struggling indefatigably for the dignity, independence and sovereignty of our people.

(Reverend Hector Soto Vélez)

In the elementary-school textbooks the word "patria", meaning "homeland" or "motherland", appears only twice. Even commercial newspapers and television news programmes in Puerto Rico divide the news into local news (meaning Puerto Rican news), national news (meaning United States news) and international news.

Since the beginning of the century, education using the English language and the teaching of the English language have been established, and social, economic and political realities have been reinterpreted. It is taught that we are small and weak and that we have an overpopulation problem, we are taught other negative concepts aimed at destroying our self-esteem and promoting dependence, and we are given the interpretation that only a large and powerful country can assure our future. In all of this, attempts are made to establish a dichotomy between bad points and inadequacies (always ours) and virtues and good points (always those of the United States), thus creating a feeling of psychological, economic, social and political impotence in order to maintain colonial subordination.

Our young people are trained in terms of the requirements of foreign industries and not in terms of our country's needs, stressing and attempting to perpetuate dependence. They are also urged to enter the armed forces of the United States. Various recruiting bodies of those armed forces are allowed to recruit in our public schools and, in violation of student rights, are often given access to information about our students.

With the reality of the two flags, two national anthems, two legal systems, two constitutions, under one single Congress, that of the United States, we are loudly taught, with no need to say a single word, that our highest aspiration should be either to maintain the colonial status or to give up our own identity by merging with the colonizer.

(Reverend Hector Soto Vélez)

The greatest virtues of mankind are manifested in its social, community or political dimensions. The true human being, the universal being, who has a sense for justice, who searches for truth, who has an awareness of his coexistence with others, affirms those values by recognizing his own national values. We can co-operate in dignity and solidarity with our brothers in the world only by affirming our nationality, but our nationality is subjected to constant threats.

For all of these reasons, we urge:

First, that the case of Puerto Rico should be kept under review by the international community.

Secondly, that the right of the Puerto Rican people - both those living in the United States and those in Puerto Rico - to self-determination and independence should be guaranteed.

Thirdly, that the United States, its President and its Congress should be required to cease and desist from all their attempts to impose statehood on Puerto Rico and should submit to the requirements of the international community in the area of decolonization.

Fourthly, that changes favouring the development of educational programmes in the service of our country which will enable all Puerto Ricans to make decisions concerning their future on the basis of objective criteria should be promoted.

The Reverend Hector Soto Velez withdrew.

At the invitation of the Chairman, Mr. Juan Manuel Delgado (Comité Anti-Plebiscito (CAP)) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Juan Manuel Delgado.

Mr. DELGADO (interpretation from Spanish): My name is Juan Manuel Delgado. I am appearing before the Committee representing the Comité Anti-Plebiscito.

(Mr. Delgado)

Last year we appeared before the Committee to denounce the plebiscite which the United States is trying to impose upon Puerto Rico as a fraud which would not resolve the colonial problem in Puerto Rico.

We are pleased to be able to report to the Committee that a broad front has been consolidated in our country against the plebiscite, which is being boycotted by the majority of Puerto Ricans who favour independence.

Why is the United States imposing this plebiscite? The United States has a grave international problem with the colonial case of Puerto Rico, which it wants to resolve, but in its own way. In order to do so, it is trying to establish a new juridical order in Puerto Rico, with a certain degree of autonomy. As in 1952, this is a fraud against the people of Puerto Rico and the international community. This neo-colonialism is the juridical response of the United States to its own economic, military and geopolitical realities.

The United States has turned Puerto Rico into its main banking, financial and tourism centre, from which it can control the Antilles and all of Central America. In this context, and given the fact that it is trying to keep in perpetuity the Roosevelt Roads base and its entire military complex in Puerto Rico, it can be seen that the United States is trying to convert our nation into a spearhead of regional control, particularly in the next few years, during which time it is trying to isolate and overthrow the Cuban Government.

The neo-colonialism planned for Puerto Rico is an extension of the Reagan policy for the Caribbean basin. The multinational corporations are behind this plan designed by the upper echelons of United States intelligence. The fact that there is talk of establishing a Caribbean parliament, with headquarters in Puerto Rico, reflects this. The new context of regionalization of the capitalist economy facilitates the neo-colonial status imposed on Puerto Rico by the United States.

(Mr. Delgado)

In addition, our Committee would like to draw attention to the fact that the so-called plebiscite process did not begin in January 1989, as has been stated publicly. The process goes back to the beginning of 1970, when the National Security Council and the Central Intelligence Agency of the United States began various operations to destroy, weaken and ideologically transform the liberation movement of Puerto Rico. The repression of the independence movement, the division created in the movement, the eight years of the Romero government, the political assassinations, the policy of stigmatizing the independence struggle as a crime, the policy of institutionalizing the most conservative sector of the independence movement, the policy of isolating, dividing and destroying the most radical sectors, the United States effort to induce the Partido Popular to support free association in 1978 before this body, the effort to integrate the clandestine movement into public work - these are just a few examples. For reasons of time, we cannot report on other intellectual, academic, cultural and ideological operations in which United States intelligence has intervened.

(Mr. Delgado)

In our statement last year we denounced the direct intervention of the National Security Council and the Central Intelligence Agency (CIA) in the question of the referendum. Our charges were corroborated three months later: In Washington, on 26 November 1989, the top leaders of the Partido Nuevo Progresista denounced CIA interference in the current process. The United States intelligence community prohibited a public airing of this issue because it would affect the process.

The charges show that United States intelligence agencies are interfering as they did in 1967, which automatically renders the referendum null and void. Evidence shows that since 1978 the CIA has planned strategy with leaders who now favour the so-called negotiations with the United States.

My committee is also submitting information to the Special Committee in writing - for reasons of time, I shall not go into detail - concerning examples of intelligence-sector interference in this process aimed at setting up a new political and party system in Puerto Rico.

Why does the majority of the independence movement view the referendum as an international fraud? Our century-long struggle has maintained a historical position opposed to participation in such colonial referendums. To save time, I shall not read out statements of Pedro Albizu Campos, Juan Antonio Corretjer and Gilberto Concepcion de Gracia, founder of the Partido Independentista Puertorriqueño, which argue why Puerto Ricans should not participate in referendums organized by the United States.

That resistance is based on the irrefutable fact that a decolonization process cannot be carried out while the structures of colonial domination persist. As the historian Wilson Torres points out, "the referendum would be valid if it were held after 500 years of independence".

(Mr. Delgado)

What has happened during the past 20 months? Among many other things, the following has taken place: Despite the fact that United States intelligence has carried out an extensive propaganda campaign to sell the notion that repression against the independence movement has ended, the repression has actually increased. Persecution and harassment by the FBI continues. The dismissal of employees for political reasons continues. Electronic surveillance continues. Some meetings and other activities have been monitored from helicopters. Intimidation visits by the FBI to the homes and workplaces of independence militants continue as well.

After I appeared before this Committee on decolonization, FBI surveillance and persecution against me increased. FBI agents watched my home for extended periods of time and visited my neighbourhood with a view to isolating me. In an intimidation visit, two FBI agents, one of them named Steven Fillerup, told me inter alia that organizations not following the policies of the Partido Independentista Puertorriqueño would have trouble with the FBI. That violates the most basic human rights and the principle of the self-determination of peoples. What right have the CIA and the FBI to impose a political line on liberation movements in Puerto Rico and everywhere on earth?

To save time, I shall not set out the evidence given by David McMichael, head of the association of former United States intelligence officers, who reported last year on how the United States directly intervened in the Nicaraguan electoral process. If the CIA has the power to intervene in the electoral process in a sovereign nation, what is it likely to do in the colony of Puerto Rico? Such intervention nullifies the referendum.

What can we say of the referendum process? The process was actually devised by a minority of our political leaders. Neither the independence movement nor the population in general participated in the decision to hold a referendum. Nor did

(Mr. Delgado)

they participate in drafting the political formulas that would compete in the colonial referendum. At this time in history, when there is a world-wide demand for the democratization of all human activities, we as citizens are deeply indignant at the bad example being set by leaders of political parties. This has been one of the most anti-democratic and shameful processes in the history of Puerto Rico.

The hearings held by the Congress of the United States in Puerto Rico were conducted in a state of siege. Hundreds of independence advocates were under constant surveillance because of what the Secret Service called security reasons. Those who were already boycotting the process were denied participation. And those allowed to speak were given only five minutes under strict security measures.

The referendum process and the referendum itself, if ultimately imposed on us, will not have been created in an atmosphere of freedom. The editorial policies of the communications media were reorganized in order to direct the process. The four main newspapers, which mould public opinion, were restructured to promote the referendum, openly serving Washington's plans. Through front-page stories, photographs, headlines, columns, articles, discussions, analyses by "political experts" trained to direct the process, the manipulation and disinformation of the masses on a scale unprecedented in Puerto Rico are continuing. Censorship of the media, particularly the newspapers, has been escalating. Our organization has noted many examples of this censorship in the communications media. This media plan is in line with the plan of United States intelligence that those who boycott the first referendum should join a pro-Commonwealth front in the second referendum.

There can be no self-determination when the process amounts to a huge theatrical play in which the actors play out well-rehearsed roles. Nor can there be self-determination when the press is in the hands of Cuban exiles and major

(Mr. Delgado)

United States economic interests. Those who control the communications media all favour the referendum because they believe it will generate more than \$30 million in advertising - that is why they support the process.

Lastly, we wish to stress that the independence formula drawn up by Washington is worse than the Platt Amendment which the same imperialists imposed on Cuba in 1903. Anyone who wants to support it has the right to do so, but no one should give the name of "independence" to a limited autonomy that violates the most basic principles of self-determination. How can the word "independence" be applied to a colonial relationship that would leave intact the structures of United States power: military bases, citizenship, currency, all the great benefits to the multinationals, the use of land for strategic purposes, tribunals to try federal offences, and the like?

(Mr. Delgado)

The United States imposes an order of that kind. This forum should insist that the case of Puerto Rico be kept permanently on its agenda until our independence and self-determination are achieved.

For all those reasons, and because the direct intervention of President Bush renders the plebiscite null and void and we cannot have any faith in such a plebiscite supervised by the United States Federal Government, and specifically because of the FBI's access to computers in the last elections, which violates international law, and because the freeing of political prisoners and the transfer of powers are not envisaged in this process, we respectfully ask the Committee to meet its responsibility to censure this colonial process and to demand of the intervening Power that it recognize our self-determination and independence.

On behalf of several organizations I have been asked to say that a group of Puerto Ricans wishes to witness that process here, and we should like them to be given the opportunity to share this experience with us by being present here.

The petitioner withdrew.

ORGANIZATION OF WORK

The CHAIRMAN: Before adjourning the meeting, I would once again appeal to the members of the Committee to redouble their efforts to reach decisions on the items before the Committee. Some progress was made in that regard at the open-ended consultations yesterday, but a lot more remains to be accomplished. Given the large number of petitions we must hear today, we may not have the opportunity to hold a long, informal consultative meeting unless we schedule such a meeting for this evening. In view of our tight programme in finalizing our work tomorrow, members may wish to take advantage of the lunch break to continue their informal consultations. Some members have suggested that informal consultations be carried out parallel to our meeting this afternoon; members may wish to explore that possibility also.

The meeting rose at 1.15 p.m.